

REMARKS

Claims 1-13, 35, and 38-40 were rejected under 35 USC 112, second paragraph because a certain clause in claim 1 was considered by the Examiner to be vague indefinite. The offending clause is removed from claim 1, thereby overcoming the rejection.

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Claims 1-14, 17, 20, 21, 23-27, 32-34, 41, and 42 were rejected under 35 USC 103 as being unpatentable over Beck et al, US patent 6,167,395 in view of Flores et al, US Patent 5,216,603. Applicants respectfully traverse.

One of the remarks made by the Examiner was that the preamble is not afforded patentable weight. It is not clear as to what claim this comment pertains, so it is assumed that it is directed to each of the rejected claims.

As for claim 1, it was limited to a method performed in an apparatus on the premises of an individual that is participating in the conversation whose processing is the subject of the claim. Respectfully, the characteristic that interconnects, or associates, the individual that is specified in the remainder of the claim to the apparatus where the method is practiced makes it so that the limitation SHOULD have been given patentable weight. However, on the assumption that the Examiner chose to give this limitation no weight, it has been removed from claim 1. Given that this limitation did not limit the claim during the Examination, it follows that its removal from the preamble does not broaden the claim as far as the Examination is concerned.

As for claim 14, it is crafted in a Jepson type form, where only the departure from the prior art is specified by the text that follows the preamble. When this form is employed, the claim preamble defines not only the context of the claimed invention, but also its scope. The use of the Jepson form evidences an intention to use the preamble to define, in part, the structural elements of the claimed invention, *Kegel Co v AMF Bowling, Inc.* 127 F3d1420, 44 USPQ2d 1123m 1127 (Fed. Cir, 1997). Therefore, the Examiner is obliged to consider the entirety of the preamble in claim 14.

The Examiner asserts that Beck et al teach "selecting keywords relates to said communication session for subsequently searching to find said communication session," citing the abstract of the reference, and "also teaches keyword summarization," citing col. 9, lines 38-51. Applicants respectfully submit that the keywords referred to in the

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abstract pertain to keywords that are selected to characterize the communication session. As stated, for example, in col. 9, lines 42-47, "[T]herefore, the text-based version of a particular e-mail event may simply contain the name and particulars regarding the author, a purchase order, and a list of the enclosed documents by title, and basic content or memo as well as a possible manual annotation." This is what the reference considers metadata, which is distinct from text of the communication (or, more generally, the data).

Amended claim 1, in contradistinction, specifies

processing said communication session by use of the augmented keyword list to find those of the keywords that are found in said communication, and indexing said communication session in accord with the found keywords, in a database so as to permit subsequent searching through said database to find said at least a portion of said communication session in said stored corpus (emphasis supplied)

which clearly specifies searching for the occurrence of words in the communication data itself. The Examiner asserts that Flores et al teach keyword association in a database and that, therefore, modifying Beck et al to provide a database would be obvious to a person skilled in the art. Respectfully, since the keywords of Beck et al are "metadata, meaning data about data," Beck et al, col. 31, line 22, and are NOT words that are to be found in the communication, it follows that even with the combining the Beck et al with the Flores et al teachings the claimed subject matter is not obvious.

Additionally, claim 1 specifies that the processing is by use of an augmented keyword list. No such list – augmented or otherwise – is described by either of the references and, therefore, claim 1 is, again, not obvious in view of Beck et al in combination with Flores et al.

Additionally still, claim 1 specifies the manner in which the augmented list of keywords is generated, and neither of the references teaches manner of creating a list (augmented or otherwise). Applicants therefore respectfully submit that, yet again, claim 1 is not obvious in view of Beck et al in combination with Flores et al.

Independent claim 14 specifies a method that is executed in a

A system including a personal computer (PC) situated in a non-commercial establishment and adapted to carry a communication session in which a person who is a member of said establishment is a participant via a network.

The Beck et al reference teaches a method that is executed in apparatus of an MMCE (Multi-Media Call Center), which is not a "non-commercial establishment," and the apparatus in which the processes are executed is not taught to be a PC.

Further, claim 14 specifies a module that identifies "keywords in text representing speech uttered during communication session." No such keywords are identified in either of the cited references.

Further still, claim 14 specifies that the keywords that are identified in the text representing the speech belong to a list that is "augmented following said session through interaction with said person or through a process that involves artificial intelligence." No such interaction, or use of artificial intelligence is taught by either of the references.

Accordingly, it is believed that claim 14 is not obvious in view of Beck et al in combination with Flores et al.

Independent claim 17 specifies communication system, and the first element of this system is "a personal communication module." The Examiner has not identified what the Examiner considers to correspond to this element. The only system in the Beck et al reference that applicants perceive to possibly correspond to a system is the multimedia call center (MMCC), and that includes no element that can possibly correspond to "a personal communication module" that is "adapted for personal use of an individual." Since the Flores et al reference is cited for its teaching of a database, it follows that the combination of Beck et al and Flores et al does not have the communication module of claim 17 and, therefore, claim 17 is not obvious in view of the Beck et al reference combined with the Flores et al reference.

Additionally, claim 17 specifies a collection module that stores in the communication module the communication of the individual whose communication module it is, and excludes the communication of the other party with whom the individual communicates. The Examiner has not specified who the "individual" is, or who the "other party" is. However, it is clear that the MMCC is owned by a service provider (an enterprise), and though the enterprise is NOT an INDIVIDUAL, one can observe that, even if one were to wrongly assume that the enterprise is an individual, the subject limitation of claim 17 is not met because the MMCC does exclude from storage

the information that is incoming to the MMCC. Hence, again, claim 17 is not obvious in view of the Beck et al reference combined with the Flores et al reference.

Additionally still, claim 17 specifies an analysis module that is adapted to identify keywords contained U said stored communication, and create a database that associates said communication session with the keywords identified to be contained in said stored communication; and as pointed out in connection with claim 1, Beck et al do not identify keywords that are contained in the stored communication. Therefore, for the reasons expressed in connection with claim 1, claim 17 is, yet again, not obvious in view of the Beck et al reference combined with the Flores et al reference.

Independent claim 41 specifies a method with five steps. The first step, that of "adding at least a portion of a communication session in which said individual is a participant to a stored corpus of communication sessions," might be said to be found in the Beck et al reference, but, respectfully, none of the other steps are found in the Beck et al and Flores et al combination of references. For example, the second step specifies

when said communication session is concluded, prompting said individual to provide keywords;

and the third step specifies

including keywords provided by said individual in response to said prompting in a set of searchable keywords;

Neither of these steps is found in Beck et al, and even the Examiner does not assert that these steps are found in Flores et al. The fourth step specifies

identifying terms contained in said communication session that correspond to keywords in said set of searchable keywords,

and as indicated above in connection with the earlier independent claims, Beck et al do not identify terms contained in said communication session that correspond to keywords in said set of searchable keywords. Lastly, the fifth step specifies

adding to a database information associating terms in said communication session found by said step of identifying.

Although the Examiner asserts that Flores et al teach use of a database in such a context, it is noted that it is NOT a database that associates terms from the specified set of searchable keywords that are found in the communication session. Accordingly, applicants respectfully submit that independent claim 41 is clearly not obvious in view of Beck et al taken together with Flores et al. The same argument applies to claim 42.

The remaining claims depend on one of the above independent claims and, therefore, they are also not obvious in view of Beck et al in combination with Flores et al. In addition, applicants respectfully submit that at least some of the dependent claims contain limitations that are not found in the references, which makes the claims not obvious in view of the cited references, even if the parent claim is (which it is not).

In connection with claim 4, the Examiner points to the abstract of Beck et al. Whereas claim 4 specifies a step of prompting the individual that is a participant in a communication session to specify terms to be used in searching for their presence in the communication session, the abstract merely teaches "association criteria" which, as indicated above, is terms that are associated with, or characterize, the communication session (i.e., it is metadata). Those terms are not related to the contents of the communication session, and those terms are not derived from a response by an individual that was a participant in a communication session who is responding to a prompt to specify terms. Additionally, while it is not known who the Examiner considers to correspond to the "individual," it appears that no one is prompted in the Beck et al reference to specify terms, and there is not step of revising a list "based on said terms specified by said individual."

In connection with claims 6 and 27, the Examiner asserts that the "explicit approval" specified in the claims corresponds to the logging into a network via password protection. Applicants respectfully traverse. Logging into the network by providing a proper password merely allows a logged-in user to obtain data that had been previously stored. Claim 6, in contradistinction, defines a step of

determining whether explicit approval has been given by said other party to store said incoming packets

Permitting access based on a successful logging in is wholly different from determining whether explicit approval has been given. Further, permitting access based on a successful logging in is wholly different from any notion of approves an act of storing incoming packets. Still further, since incoming packets of are of the "other party" and the approval is by the "other party," it means that the approval to store is of one's own information. Since it makes no sense that one asks oneself for approval to store, it follows that the storing is in a database that is under control of the "individual" specified in the claim. Aside from the fact that the MMCC is under control of an enterprise and

not an individual, it is noted that Beck et al teaches no step of asking permission from MMCC customers whether information may be stored. Hence, claim 6 is clearly not obvious in view of the Beck et al and Flores et al combination of references. The same is true for claim 27.

Regarding claims 8 and 35-39, the Examiner cites col. 25, line 60 through col. 26, lines 17 for the proposition that Beck teaches constraining access of the user to certain information without additional permission. It is true that the cited passage teaches giving, or withholding, information from a customer of the MMCC, but claim 8 specifies a step of

determining whether said incoming packets for communications sent by said party are to be protected, and if so, protecting said incoming packets so that said individual cannot access said protected communication without an additional granting of permission by said party.

Applicants are again constrained by the fact that the Examiner has not identified who corresponds to the "individual," or the "party," but according to the above analysis applicants' best guess is that because the system that is described by Beck et al is the MMCC, the "individual" must correspond to the enterprise that controls the MMCC (though this correspondence is faulty because an enterprise is not an individual), and the "party" is a customer that calls into the MMCC. This correspondence comports with the "incoming packets" to the MMCC being from "said party" as specified in claim 8. Thus, with the above-expresses correspondences, it is noted that the above-quoted step of claim 8 specifies whether the communication of the customer that arrives at the MMCC is to be protected so that it cannot be accessed without additional granting of permission by the customer. In the MMCC, however, there is no teaching of any asking for permission of a customer as to whether the customer ought to be protected, generally, and particularly from the "individual." The passage cited by the Examiner pertains to rules of the enterprise that controls the MMCC regarding what range of access is to be given to a customer, but that is wholly different from step of determining whether the incoming packets for communications sent by the customer are to be protected, unless additional permission is granted by the customer. Hence, it is respectfully submitted that claim 8 is not obvious in view of the Beck et al and Flores et al combination of references. The same applies to claims 35 and 39.

Lastly, regarding claim 21, the Examiner has provided no explanation as to the reason claim 20 was rejected, but applicants respectfully submit, that regardless of whether claim 17 (the parent claim) is obvious, it is clear that claim 20 is not obvious in view of the Beck et al and Flores et al references, because neither Beck et al nor Flores et al mention encryption at all.

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In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited. Should the Examiner find that it is necessary to reject any of the claims, applicants respectfully request that the Examiner explicitly identify the correspondence that the Examiner believes to exist.

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Respectfully,
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